

UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark OfficeAddress: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

SERIAL NUMBER	FILED DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
08/058,163	05/04/93	ABRUTYN	E DC-3914

GRE, IV	EXAMINER
---------	----------

12M2/1112

PATENT DEPT.
MAIL C01232
DOW CORNING CORPORATION
MIDLAND, MI 48686

REC'D

NOV 16 1993

1203

DATE MAILED:

11/12/93

S

Due: 2/12/94

This is a communication from the examiner in charge of your application.
COMMISSIONER OF PATENTS AND TRADEMARKS

This application has been examined Responsive to communication filed on _____ This action is made final.

A shortened statutory period for response to this action is set to expire 30 month(s). 0 days from the date of this letter.
Failure to respond within the period for response will cause the application to become abandoned. 35 U.S.C. 133

Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:

1. Notice of References Cited by Examiner, PTO-892.
2. Notice re Patent Drawing, PTO-948.
3. Notice of Art Cited by Applicant, PTO-1449.
4. Notice of Informal Patent Application, Form PTO-152.
5. Information on How to Effect Drawing Changes, PTO-1474.
6. _____

Part II SUMMARY OF ACTION

1. Claims 1 to 19 are pending in the application.

Of the above, claims _____ are withdrawn from consideration.

2. Claims _____ have been cancelled.

3. Claims _____ are allowed.

4. Claims 1 to 19 are rejected.

5. Claims _____ are objected to.

6. Claims _____ are subject to restriction or election requirement.

7. This application has been filed with informal drawings under 37 C.F.R. 1.85 which are acceptable for examination purposes.

8. Formal drawings are required in response to this Office action.

9. The corrected or substitute drawings have been received on _____. Under 37 C.F.R. 1.84 these drawings are acceptable. not acceptable (see explanation or Notice re Patent Drawing, PTO-948).

10. The proposed additional or substitute sheet(s) of drawings, filed on _____ has (have) been approved by the examiner. disapproved by the examiner (see explanation).

11. The proposed drawing correction, filed on _____ has been approved. disapproved (see explanation).

12. Acknowledgment is made of the claim for priority under U.S.C. 119. The certified copy has been received not been received. been filed in parent application, serial no. _____; filed on _____.

13. Since this application appears to be in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.

14. Other

EXAMINER'S ACTION

PTO-35 (Rev. 9-89)

Art Unit 1203

#5

The reissue oath or declaration filed with this application is defective because it fails to particularly specify how the errors relied upon arose or occurred, as required under 37 C.F.R. § 1.175(a)(5).

The instant oath is defective sine it fails to show how the claimed pheromones were liquid, but recited by the inventors ^{in the claims} as solid.

Claims 1 to 19 are rejected as being based upon a defective reissue under 35 U.S.C. § 251. See 37 C.F.R. § 1.175.

Claims 1 to 19 are rejected under 35 U.S.C. § 112, first and second paragraphs, as the claimed invention is not described in such full, clear, concise and exact terms as to enable any person skilled in the art to make and use the same, and/or for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The instant claims are indefinite confusing and based on a n insufficient disclosure. The instant claims are indefinite and confusing, since the claims recite solid pheromone and the oath indicates the recitation of solid phenomones is an error, since only liquid pheromones are supported. The instant claims are based on an insufficient disclosure, since applicants indicate that the specification only supported liquid pheromones.

No claim is allowed.

Serial No. 08/058,163

-3-

Art Unit 1203

Any inquiry concerning this communication should be directed to Examiner Ore at telephone number (703) 308-1235.

Ore:lb
October 19, 1993


DALE R. ORE
PRIMARY EXAMINER
ART UNIT 1203